

19085. Misbranding of canned tomatoes. U. S. v. 14 Cases, etc. (F. D. C. No. 33191. Sample Nos. 18397-L, 18399-L.)

LIBEL FILED: April 25, 1952, District of Nevada.

ALLEGED SHIPMENT: On or about March 4, 1952, by Case-Swayne Co., Inc., from Santa Ana, Calif.

PRODUCT: Canned tomatoes. 14 cases, each containing 24 1-pound, 3½-ounce cans, and 19 cases, each containing 24 1-pound, 12-ounce cans, at Las Vegas, Nev.

LABEL, IN PART: "Santa Paula Tomatoes * * * Packed by Santa Ana Canning Co. Santa Ana, Calif." and "Solid Pack Tomatoes Packed by Case-Swayne Co., Inc."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes. (The drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container; and the labels failed to bear the substandard legend.)

Further misbranding, Section 403 (a), (19-case lot) the label statements "Solid Pack" and "selected for firmness * * * enjoy the whole tomatoes" were false and misleading since the product was substandard in quality because of its low drained weight and since it consisted largely of pieces of tomatoes.

DISPOSITION: May 22, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

19086. Adulteration of tomato paste. U. S. v. 102 Cartons * * *. (F. D. C. No. 30371. Sample No. 57876-K.)

LIBEL FILED: January 3, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 4, 1950, by Campagnola Food Products Inc., from Los Angeles, Calif.

PRODUCT: 102 cartons, each containing 6 unlabeled No. 10 cans, of tomato paste at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation.

DISPOSITION: March 13 and April 2, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and the destruction of the unfit portion, under the supervision of the Federal Security Agency. 89 cartons of tomato paste were salvaged and 21 were destroyed.

NUTS

19087. Adulteration of shelled peanuts. U. S. v. 80 Bags * * *. (F. D. C. No. 29983. Sample No. 50897-K.)

LIBEL FILED: November 7, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about September 21, 1950, by Portales Valley Mills, Inc., from Portales, N. Mex.

PRODUCT: 80 120-pound bags of shelled peanuts at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged nuts.